United Nations CAT/C/SR.1293/Add.1

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
23 April 2015

Original: English

Committee against Torture
Fifty-fourth session

Summary record of the second part (public)* of the 1293rd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 21 April 2015, at 4.30 p.m.

Chairperson: Ms. Gaer (Vice-Chairperson)

Contents

Meeting with States parties

* The summary record of the first part (closed) of the meeting appears as document CAT/C/SR.1293.

This record is subject to correction.

Corrections should be submitted in one of the working languages of the United Nations. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-08093 (E) 230415 230415

1508093

Please recycle

In the absence of the Chairperson, Ms. Gaer (Vice-Chairperson) took the Chair.

The meeting was called to order at 4.35 p.m.

Meeting with States parties

1. **The Chairperson**, welcoming the representatives of States parties to the annual meeting with Committee members, said that the Convention had now been ratified by 157 States. The establishment of the Convention against Torture Initiative (CTI) by the Governments of Chile, Denmark, Ghana, Indonesia and Morocco was an important development. In addition, 21 States had joined the CTI Group of Friends.

2. All States parties to the Convention were required to submit periodic reports. A total of 375 reports had been submitted since 1988. As 351 had already been examined by the Committee and a further 10 would be examined before the end of 2015, there was not a large backlog. However, 27 States parties, some of which had ratified the Convention more than 20 years previously, had failed to submit an initial report, and the periodic reports of some other States parties were long overdue. The Committee hoped that the Convention against Torture Initiative would encourage States parties to fulfil their reporting obligations.

3. With regard to article 22 of the Convention concerning individual complaints, the Committee had registered 673 complaints concerning 34 States parties since 1988. A total of 190 complaints had been discontinued for various reasons and 68 had been found to be inadmissible. The Committee had taken 251 decisions and had found States parties to be in violation of the Convention in 97 of those cases. It had thus developed a rich jurisprudence on a wide variety of issues.

4. All but 12 States parties had recognized the competence of the Committee under article 20 of the Convention to undertake confidential inquiries where there were well-founded indications that torture was being systematically practiced in the territory of a State party. The Committee had undertaken nine inquiries since 1988.

5. The Committee had attended key events organized by the Convention against Torture Initiative and looked forward to further cooperation with a view to promoting ratification of the Convention and implementation by States parties of their obligations.

6. The Committee had pioneered the "list of issues prior to reporting" process, which was now generally referred to as the simplified reporting procedure. A total of 88 States parties had now accepted that procedure.

7. The budget crisis besetting the Office of the United Nations High Commissioner for Human Rights (OHCHR) had had a particularly adverse impact on the Human Rights Treaty Division. The capacity-building measures provided for under General Assembly resolution 68/268 had deprived the treaty bodies of some US$ 2 million. She therefore hoped that such measures would eventually have a positive impact on the treaty body system.

8. The Committee had discussed working methods in the context of the treaty body strengthening process during a two-day private meeting or "retreat" at its forty-fifth session.

9. **Ms. Wegter** (Denmark) said that the programme developed by the Convention against Torture Initiative for the current year included action to facilitate ratification of the Convention by non-States parties. A seminar on the subject would be held on 12 May 2015 in New York. In addition, representatives of the Initiative, the Committee, OHCHR and States parties would be meeting a Government delegation from Myanmar, which had not yet ratified the Convention, in Geneva in May 2015. A meeting to assist States parties facing reporting challenges would also be held in Geneva.

10. A key aim of the Initiative was to promote exchanges of experience within different regions. For example, Denmark, Norway and Switzerland would co-host a CTI event during the next Supplementary Human Dimension Meeting organized by the Organization for Security and Co-operation in Europe (OSCE). The participants would examine, for instance, the Committee's recommendations to OSCE members. Regional CTI events were also being organized by Chile, Indonesia and Morocco within the next six months.

11. **Mr. Last** (United Kingdom) said that the United Kingdom, as a member of the CTI Group of Friends, hoped to promote ratification and implementation of the Convention and its Optional Protocol. The United Kingdom had appeared before the Committee in 2013. The questions raised had been challenging, well-informed and constructive. He enquired about the Committee's experience in using the simplified reporting procedure, including possible new challenges, unforeseen consequences and negative aspects to be avoided in the future.

12. **The Chairperson** said that States parties had initially tended to submit their replies to the traditional list of issues just before the date on which their delegation was scheduled to meet the Committee. That left insufficient time for Committee members to read the replies or to have them translated. On reviewing the procedure in 2007, the Committee decided to introduce a new procedure whereby States parties could opt to receive a list of issues prior to reporting. The reports submitted under the new system were substantially shorter and more focused and hence less of a burden on the United Nations translation system. The Committee would be interested to hear States parties' views on the simplified reporting procedure and on the requirement of a follow-up report on certain concluding observations within one year. About 75 per cent of States parties did submit follow-up reports within a year. Those that failed to do so were frequently States parties whose reports had been long overdue.

13. **Ms. Duong** (Switzerland) said that Switzerland had joined the Group of Friends of the Convention against Torture Initiative. It shared concerns about overdue reports and hoped that the introduction of the simplified reporting procedure would encourage States parties to fulfil their reporting obligations on time. Switzerland had opted for the new procedure and the authorities were pleased with the list of issues prior to reporting that they had received in preparation for the dialogue with the Committee at its fifty-fifth session. Switzerland facilitated a platform for treaty bodies to liaise among themselves and with civil society and the diplomatic community. In that connection, she wished to know whether the Committee had any particular needs. Lastly, she said she would like to know more about the Committee's work regarding reprisals.

14. **The Chairperson** welcomed the establishment of the platform, of which she had not been aware, and said that the Committee would be eager to make suggestions once it had had an opportunity to test it.

15. **Mr. Tugushi**, speaking as the rapporteur on reprisals in relation to article 19 of the Convention, said that examples of reprisals against persons or groups who interacted with the Committee included travel bans, the labelling of human rights defenders as traitors, intimidation to discourage participation in meetings with the Committee and denial of NGO status. Communicating with States parties was of utmost importance and most letters the Committee sent out regarding incidents of reprisals were uploaded to its website. The Committee also communicated with the victims to ascertain whether the measures recommended in the letters were being implemented. At its fifty-third session, the Committee had decided to formulate a protocol for dealing with cases of reprisals.

16. **Mr. Bruni**, speaking as rapporteur on reprisals in relation to articles 20 and 22 of the Convention, asked whether the members of the Convention against Torture Initiative had initiated or were planning specific initiatives to promote the individual complaints

mechanism. An informal group had been established to determine what effective action could be taken in cases of reprisals without jeopardizing the safety of the persons concerned. To that end, Mr. Tugushi and he had prepared a paper on which they had sought the input of other actors in the domain, including the Special Rapporteur on the question of torture, the Subcommittee on Prevention of Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Committee had greater concerns regarding reprisals in the context of the inquiry procedure than in that of individual communications, although there had been cases where public officials had pressured either the complainants or their counsel to withdraw complaints before the Committee or had accused them of spreading false information about the State party.

17. **Ms. Wegter** (Denmark) said that the Convention against Torture Initiative provided States with the opportunity to help each other implement the Convention and demonstrate to non-States parties the benefits of ratifying the Convention. There were no activities planned in 2015 to encourage States parties to withdraw their reservations to the Convention, but the issue was covered in the Initiative's agenda.

18. **The Chairperson** pointed out that article 22 was not subject to reservations; rather, States parties had to make the requisite declaration recognizing the Committee's competence to receive and consider individual communications. Only 66 of the 157 States parties had opted in. Conversely, States parties could opt out of the inquiry procedure, but only a dozen had.

19. **Mr. Modvig** said that the treaty body strengthening process was a golden opportunity to improve the Committee's work. One of the activities the Committee was reviewing, and on which it would appreciate input from the States parties, was the follow-up procedure. Recalling that the current practice was to request information within a year on the implementation of three specific recommendations contained in the concluding observations, he said that compliance was roughly 70 per cent. In order to ensure that focus on the implementation of the Convention was not concentrated in the lead-up to the reporting deadline, he asked whether the number of recommendations was appropriate, whether one year was sufficient time and whether it would be useful to supplement reports with in-person meetings with the Committee.

20. **The Chairperson**, recalling that some States parties had raised concerns about overlap and cooperation among the various torture prevention entities, said that the Committee held regular meetings with the Special Rapporteur on the question of torture and the Chairperson of the Subcommittee on the Prevention of Torture, as well as periodic meetings with the entire Subcommittee.

21. **Mr. Da Cunha Oliveira** (Brazil) said that Brazil would be hosting both the Special Rapporteur on the question of torture and the Subcommittee on the Prevention of Torture in 2015 and fully supported interaction between the various torture prevention bodies. Referring to comments by the High Commissioner for Human Rights that he wished to strengthen the representation of his Office in cities where regional treaty bodies were also located, he asked whether the Committee might engage more with its regional counterparts. He wished to know whether the low number of declarations under article 22 of the Convention might be due to a perceived overlap between the Committee's complaints procedure and that of the regional bodies. Lastly, he asked how the Committee avoided the duplication of petitions.

22. **The Chairperson**, recalling that a complaint found to have come simultaneously before another body was automatically dismissed, said that it was the complainant's decision to choose which body to seize. The regional bodies did not supersede the Committee because their respective conventions and procedures were different and complementary. However, because the Member States had not given the Committee the

authority to enforce its decisions and views, complainants looking for compensation might have a better chance of achieving that goal if they brought their complaint before a regional court. Nevertheless, the Committee had seen a growing number of communications in recent years, covering a wider range of articles of the Convention. It was interesting to note that only half the States parties that had made the declaration under article 22 had actually been the subject of individual complaints.

23. **Ms. Belmir** urged the members of the Convention against Torture Initiative to intensify their efforts regarding article 22 of the Convention in the light of the fact that many of the States parties that had not made the relevant declaration had done so in respect of regional bodies.

24. **The Chairperson**, thanking the State party representatives for taking part in the meeting, said that she looked forward to receiving further input from them.

The public part of the meeting rose at 6 p.m.